

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda  
Hearing

July 15, 2015

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Suite 400S, Washington, D.C. 20009, Chairperson  
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 3:26 p.m.

3 CHAIRPERSON MILLER: Okay. The Board  
4 is back on the record to do the agendas for July  
5 15, 2015 starting with the Licensing Agendas.

6 The first Licensing Agenda, the first  
7 matter is a request to extend safekeeping and  
8 that's for Serv-U-Liquors located at 1935 9th  
9 Street, N.W., License No. 060026.

10 So it's a request to extend the  
11 safekeeping of the license. I would move that we  
12 hold a Fact-Finding Hearing on this request. Do  
13 I have a second?

14 MEMBER RODRIGUEZ: Second.

15 CHAIRPERSON MILLER: Mr. Rodriguez has  
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 5-0-0.

22 Okay. All right. Moving along to the

1 Supplemental Licensing Agenda. The first item is  
2 an application for safekeeping. It's an original  
3 request for Recess Bar located at 727 15th Street,  
4 N.W., License No. 081805.

5 And I move that we grant this  
6 request --

7 MEMBER RODRIGUEZ: Second.

8 CHAIRPERSON MILLER: -- for six  
9 months. Mr. Rodriguez seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? All those abstaining? The motion  
14 passes 4-0-0.

15 No. 2 is an application and request  
16 for placards from Bill Stewart of Bardo, LLC and  
17 ANC-6D. Bardo Riverfront, 25 Potomac Avenue,  
18 S.E., License No. 098547.

19 I move that we postpone this  
20 consideration for one week.

21 MEMBER SHORT: Second.

22 CHAIRPERSON MILLER: Mr. Short has

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those  
5 opposed? All those abstaining? The motion  
6 passes 4-0-0.

7 The Second Supplemental Licensing  
8 Agenda. The first item is a request for  
9 stipulated license with letter of support from  
10 the ANC-4C. And it is Taqueria Habanero located  
11 at 3710 14th Street, N.W., License No. 098996.

12 I move that we grant this request. Do  
13 I have a second?

14 MEMBER RODRIGUEZ: Second.

15 CHAIRPERSON MILLER: Mr. Rodriguez has  
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 4-0-0.

22 No. 2 is a request for a temporary

1 operating retail permit for Hyatt Place D.C.  
2 located at 1522 K Street, N.W., in ANC-2B,  
3 License No. 099728.

4 I move that we grant this request. Do  
5 I have a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has  
8 seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those  
12 opposed? All those abstaining? The motion  
13 passes 5-0-0.

14 Okay. Then we have a Cancellation  
15 Agenda with a list of licenses for the Board's  
16 approval to be canceled.

17 Okay. Well, I'll start and I may  
18 group some if I see that they have the same  
19 reason, but the first one is ABRA No. 079224.  
20 It's Muse Nightclub and Lounge located at 717 6th  
21 Street, N.W. The establishment is no longer  
22 operating, as confirmed by Internet resources,

1 and the previous owner indicated via telephone  
2 that the entity that owned the license has  
3 dissolved and the license should be canceled.

4 Okay. I move that we approve this  
5 cancellation. Do I have a second?

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr. Silverstein  
8 seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those  
12 opposed? All those abstaining? The motion  
13 passes 5-0-0.

14 The next several I'm going to read  
15 altogether and we can vote altogether for it's  
16 the same reason in all these cases. They are for  
17 solicitor licenses and all these for the reason  
18 that the employees no longer work for the  
19 company.

20 And they are: (1) ABRA No. 089913,  
21 Kevin Stewart at 5235 Sheridan Road, N.E. The  
22 employer is Republic National.

1                   The second one is ABRA No. 090571.

2                   The employee is Seth H. Williams. Okay. It's  
3                   for all the same company, too, Republic National  
4                   on Sheridan Road, so that would be --

5                   MEMBER SHORT: That's Sheriff Road.

6                   CHAIRPERSON MILLER: Oh, I'm sorry.

7                   Sheriff Road. Thank you very much, Mr. Short.

8                   Okay. So Seth Williams and then the next one is

9                   ABRA No. 096592, Kardin Wykoff. Then ABRA No.

10                  096548, Paul B. Ju. And then ABRA No. 097099,

11                  Yohan Lee. Then ABRA No. 088225, Camilla

12                  Giordano. Next is ABRA No. 091639, Nicole C.

13                  Lang. Then ABRA No. 091058, Kalyn A. Melanophy.

14                  Then ABRA No. 096903, Browdis V. Morrison.

15                  Okay. So I move that we vote on all

16                  those solicitor licenses to be canceled as those

17                  employees no longer work for the employer,

18                  Republic National. Do I have a second?

19                  MEMBER SHORT: Second.

20                  CHAIRPERSON MILLER: Okay. Mr. Short

21                  has seconded the motion.

22                  All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those  
3 opposed? All those abstaining? The motion  
4 passes 5-0-0.

5 Okay. And then the remaining  
6 employees no longer work for Premium DC, which is  
7 located at 3500 Fort Lincoln Drive, N.E., and  
8 therefore Premium DC has requested cancellation  
9 of their licenses and they are as follows:

10 ABRA No. 095150, Peter L. Hong. ABRA  
11 No. 095409, Nicholas B. West. ABRA No. 095329,  
12 Joshua C. Havey. ABRA No. 095328, Samuel B.  
13 LeBlond. ABRA No. 094940, John D. Zeltner, ABRA  
14 No. 095348, Ceidrick Marcelin. And finally ABRA  
15 No. 095527, John Matthews.

16 I move that the licenses for these  
17 employees' cancellation be approved as well. Do  
18 I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks has  
21 seconded the motion.

22 All those in favor say aye.



1 ALL: Aye.

2 CHAIRPERSON MILLER: All those  
3 opposed? All those abstaining? The motion  
4 passes 5-0-0.

5 That completes the Cancellation  
6 Agenda.

7 We have done the Licensing Agendas.  
8 So now we move to the Legal Agendas.

9 Okay. Looking at the Legal Agenda,  
10 Item No. 1 is a review of a letter of information  
11 submitted by Kamal Jahanbein on behalf of Kamal  
12 Foundation with reference to The Saloon located  
13 at 1205 U Street, N.W., License No. 071086.

14 This is just an FYI. No action is  
15 required.

16 No. 2 is a business plan proposal  
17 dated June 15, 2015 submitted by Jay Whittemore,  
18 prospective licensee.

19 And I would move that we refer this  
20 business plan proposal to legal. Do I have a  
21 second?

22 MEMBER RODRIGUEZ: Second.

1 CHAIRPERSON MILLER: Mr. Rodriguez has  
2 seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those  
6 opposed? All those abstaining? The motion  
7 passes 6-0-0.

8 Okay. Supplemental Legal Agenda.  
9 Okay. The first item is a letter requesting  
10 Board clarification and reconsideration dated  
11 June 29, 2015 submitted by Andrew Kline, Esq. on  
12 behalf of Dacha Beer Garden. Dacha Beer Garden  
13 is located at 1600 7th Street, N.W., License No.  
14 092773.

15 Okay. Basically, Mr. Kline has asked  
16 the Board to consider/reconsider a few items  
17 related to Dacha Beer Garden.

18 The first goes to occupancy level and  
19 the second goes to hours. And I believe we are  
20 going to have legal send back a response, but I  
21 think we also need to vote on the basic two  
22 requests.

1           So I think the first request deals  
2 with for us to reapprove a previously approved  
3 occupancy load of 190 persons. The license was  
4 issued at 126. And there is an application, this  
5 all relates to an application for substantial  
6 change to add on to an outdoor area, an actual  
7 building.

8           In any event, the Board has already  
9 approved for placarding an increase in occupancy  
10 that I think encompasses both the outdoor area  
11 and the new building. So that number, I believe,  
12 that was placarded was 600, I think. So in any  
13 event, I --

14           MEMBER SHORT: 400.

15           CHAIRPERSON MILLER: Oh, was it 400?

16           MEMBER ALBERTI: No, I --

17           CHAIRPERSON MILLER: 600.

18           MEMBER ALBERTI: -- believe it is more  
19 than 400.

20           CHAIRPERSON MILLER: There is a  
21 number.

22           MEMBER ALBERTI: I think we can say

1 with certainty that it's more than 400, but the  
2 number encompasses both the outdoor portion and  
3 the new building that they are adding, that they  
4 would expand into.

5 MEMBER SHORT: For the record, that's  
6 an existing building that would be new for the  
7 outside.

8 MEMBER ALBERTI: Right. So it's the  
9 building, the existing building that they are  
10 going to expand into, yes.

11 CHAIRPERSON MILLER: Okay. So I think  
12 then there is a motion required, at least on this  
13 issue, I would move that we, you know, not do an  
14 approval of a change to the -- not do any  
15 approval with respect to the outdoor number and  
16 that we just let the placarding go forward that  
17 encompasses both the outdoor and the building.

18 MEMBER ALBERTI: Right. So as it  
19 stands, the occupancy of the outdoor space -- we  
20 are confirming that the occupancy of the outdoor  
21 space is 126, that's the bottom line.

22 CHAIRPERSON MILLER: And that there--

1 MEMBER ALBERTI: Is that correct?

2 CHAIRPERSON MILLER: And there is a  
3 placarding for the -- that encompasses all that.

4 MEMBER ALBERTI: Yes, I understand you  
5 are making that point.

6 CHAIRPERSON MILLER: I know.

7 MEMBER ALBERTI: But the request was  
8 to -- was for us to alter our decision on what  
9 the occupancy for the outside should be  
10 currently. And we are reconfirming that the  
11 occupancy for the outdoor portion that is  
12 currently licensed is 126. I'm seeing a nod from  
13 at least one other Board Members.

14 CHAIRPERSON MILLER: Okay. I was just  
15 looking to see --

16 MEMBER SHORT: That was my  
17 understanding, Mr. Alberti.

18 MEMBER ALBERTI: Thank you, Mr. Short.

19 CHAIRPERSON MILLER: Okay. I want to  
20 -- I was just glancing at his letter to see what  
21 the exact request was or is. And he is  
22 requesting that the Board confirm that the

1 licensee's overall capacity is 220 patrons as was  
2 contemplated when the license was placarded and  
3 approved in its September 11, 2013 order.

4 MEMBER ALBERTI: Again, as I said --

5 CHAIRPERSON MILLER: Okay. So we --

6 MEMBER ALBERTI: -- we are  
7 reconfirming our -- what we have stated all along  
8 and what is recorded on the license is that the  
9 current occupancy is 126 and there is no change.  
10 As of today, there is no change to that  
11 occupancy.

12 CHAIRPERSON MILLER: Okay. Is that --  
13 would you like to make that the motion, Mr.  
14 Alberti?

15 MEMBER ALBERTI: I move that --

16 CHAIRPERSON MILLER: No, you made it.  
17 I mean, you just said that. I'm saying would you  
18 like that to be the motion? I believe you just  
19 articulated it.

20 MEMBER ALBERTI: No.

21 CHAIRPERSON MILLER: Okay. Go ahead.

22 MEMBER ALBERTI: My motion is that

1 this Board reaffirm that the occupancy for this  
2 licensee, as it stands today, is 126 total  
3 persons occupancy. Pardon?

4 MEMBER SILVERSTEIN: Is this per the--

5 MEMBER ALBERTI: No.

6 CHAIRPERSON MILLER: The license.

7 MEMBER ALBERTI: This is not per the  
8 settlement agreement. It's per --

9 CHAIRPERSON MILLER: The license.

10 MEMBER ALBERTI: -- the license.

11 CHAIRPERSON MILLER: Per the license.

12 MEMBER SILVERSTEIN: Oh, I see.

13 MEMBER SHORT: That's what DCRA  
14 approved them for.

15 CHAIRPERSON MILLER: No.

16 MEMBER ALBERTI: No, no. It's per the  
17 license. The license -- they are licensed by  
18 this Agency for 126 total occupancy and we are  
19 reaffirming that that is the number that they  
20 must abide by.

21 MEMBER SHORT: I'll second that  
22 motion.

1 CHAIRPERSON MILLER: Okay. There is  
2 a motion that has been seconded.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those  
6 opposed? All those abstaining? The motion  
7 passes 6-0-0.

8 The second part of his request is  
9 that, as I understand it, the Board placard the  
10 request for a change in hours based on 25-  
11 446.02(e) which prohibits the Board from  
12 enforcing a prohibition which restricts the  
13 licensee's ability to apply for a change in  
14 hours.

15 Okay. So I for one would do that. I  
16 would placard the change in hours so based on  
17 446.02(e) --

18 MEMBER SHORT: Is that what we  
19 discussed, Madam Chair?

20 CHAIRPERSON MILLER: Most likely. We  
21 do have discussions before we come out here and  
22 I'm sure that that would have been one of the



1 things that we discussed.

2 MEMBER SHORT: Did you say we were or  
3 were not going to placard?

4 CHAIRPERSON MILLER: I believe there  
5 is a division.

6 MEMBER ALBERTI: So what is your  
7 motion?

8 CHAIRPERSON MILLER: My motion would  
9 be to placard the change in hours. Do I have a  
10 second? Based on 446.02(e) which prohibits -- it  
11 says "The Board shall not enforce the following  
12 provisions if included in a settlement agreement  
13 covered by this subchapter:

14 (e) requirements that prohibit the  
15 licensee from applying for changes to licensed  
16 operation procedures, including applications for  
17 summer gardens, sidewalk cafes, rooftop decks,  
18 entertainment endorsements and change of hours."

19 So this has hours. They have hours in  
20 their settlement agreement, which apply to the  
21 existing outdoor venue and they are adding a  
22 building and they would like to placard for hours

1 and not have necessarily the one in the  
2 settlement agreement apply automatically. They  
3 want to have us placard it for a Protest Hearing,  
4 if there is one.

5 Okay. So I'm going to -- do I have a  
6 second or does it die for lack of a second?

7 MEMBER RODRIGUEZ: I'll second.

8 CHAIRPERSON MILLER: Okay. Mr.  
9 Rodriguez has seconded the motion. Any other  
10 comments? Okay.

11 All those in favor say aye.

12 MEMBER RODRIGUEZ: Aye.

13 CHAIRPERSON MILLER: Aye.

14 All those opposed?

15 MEMBER ALBERTI: Opposed.

16 MEMBER SHORT: Opposed.

17 MEMBER BROOKS: Opposed.

18 MEMBER SILVERSTEIN: Opposed.

19 CHAIRPERSON MILLER: Okay. I'm sure  
20 the opposed have it, but I need to --

21 MEMBER ALBERTI: That was 4-2.

22 CHAIRPERSON MILLER: -- write it down.

1 MEMBER ALBERTI: I believe.

2 CHAIRPERSON MILLER: You mean 2-4?

3 MEMBER ALBERTI: 2 in favor 4 opposed.

4 CHAIRPERSON MILLER: 2-4-0.

5 MEMBER SILVERSTEIN: He was for it.

6 MEMBER ALBERTI: No, he was opposed.

7 MEMBER SHORT: I was opposed.

8 MEMBER ALBERTI: Board Members Miller  
9 and Rodriguez were in favor of the motion.

10 MEMBER SHORT: Okay.

11 MEMBER ALBERTI: All the other Board  
12 Members opposed the motion.

13 CHAIRPERSON MILLER: Is that right?  
14 Okay. All right. So --

15 MEMBER SHORT: The record will reflect  
16 that there will be no placard.

17 MEMBER ALBERTI: No placard.

18 CHAIRPERSON MILLER: That's what the  
19 vote says.

20 MEMBER RODRIGUEZ: That's what the  
21 vote says.

22 CHAIRPERSON MILLER: Right.

1 MEMBER ALBERTI: Can I -- all right.  
2 Can I speak to that issue?

3 CHAIRPERSON MILLER: Yes.

4 MEMBER ALBERTI: This is just solely  
5 my opinion. Mr. Kline accuses the Board of not  
6 allowing the applicant to apply for a change of  
7 occupancy or a change of hours rather.

8 CHAIRPERSON MILLER: Hours.

9 MEMBER ALBERTI: Change of hours.

10 CHAIRPERSON MILLER: Yes.

11 MEMBER ALBERTI: I disagree with that  
12 interpretation. I believe that we accepted the  
13 application. We reviewed the application. And  
14 in fact, we placarded some of the change requests  
15 based on that application.

16 With respect to the change of hours,  
17 we denied the application because it is not  
18 permitted by the settlement agreement.

19 CHAIRPERSON MILLER: I understand.

20 MEMBER ALBERTI: It is my opinion and  
21 I will move that this Board reaffirm that the  
22 settlement agreement applies to the existing

1 portion that is licensed and to the expanded  
2 portion that is requested by its current  
3 application for expansion. Do I have a second?

4 MEMBER SILVERSTEIN: I second it.

5 CHAIRPERSON MILLER: Is that before  
6 us? Is that in the letter where he is asking?

7 MEMBER ALBERTI: This is relevant to  
8 this topic and that is my motion.

9 MEMBER SILVERSTEIN: And I would agree  
10 with my colleague, Mr. Alberti. The hours apply  
11 to the license. If they open a kitchen, if they  
12 decide they are going to do something in the  
13 vestibule --

14 CHAIRPERSON MILLER: Oh, right.

15 MEMBER SILVERSTEIN: -- anything that  
16 they do, it applies to the license.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER SILVERSTEIN: Any change beyond  
19 that must be either during that brief period  
20 where the license is renewed and other things  
21 must take place or both sides may agree to it,  
22 but otherwise it is part of the license.

1 CHAIRPERSON MILLER: No, I don't know  
2 why we actually need to vote on that. I mean,  
3 that's why --

4 MEMBER ALBERTI: Well, I made a  
5 motion.

6 CHAIRPERSON MILLER: -- it was vote --

7 MEMBER ALBERTI: Can we have a vote on  
8 it, please? And it was seconded. So may we have  
9 a vote on it?

10 CHAIRPERSON MILLER: Okay. I guess  
11 so.

12 All those in favor say aye.

13 MEMBER RODRIGUEZ: Well, can you  
14 repeat the motion?

15 CHAIRPERSON MILLER: No, wait a  
16 second. Okay.

17 MEMBER ALBERTI: The motion is that  
18 this Board affirm that the settlement agreement  
19 that is in place for this license applies to both  
20 the current licensed premise and to the extended  
21 portion that is now the subject of their  
22 application and that to the settlement agreement

1 with respect to the restrictions on hours of  
2 operation.

3 MEMBER BROOKS: I second that.

4 CHAIRPERSON MILLER: It has been  
5 seconded. Thank you, Mr. Brooks.

6 MEMBER BROOKS: Okay.

7 MEMBER SILVERSTEIN: Call the  
8 question.

9 CHAIRPERSON MILLER: All those in  
10 favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? All those abstaining? The motion  
14 passes 6-0-0.

15 Okay. I don't think that that's in  
16 dispute. I think that that's why he was asking  
17 for change of hours for -- to apply to the  
18 building as opposed to the outdoor open space,  
19 that it is a substantial change to the license  
20 and this all involves one license. But there are  
21 certain changes you can make to the -- you can  
22 still have a hearing on certain aspects and I

1 believe that the reason that he raised the change  
2 of hours is that it is listed under those areas  
3 where the Board shall not enforce the following  
4 provisions as included in settlement agreements  
5 covered by this chapter.

6 And that is what it means when it says  
7 you can apply for a change, that means, to me,  
8 you can apply, then you can have that issue  
9 considered at a Protest Hearing. It doesn't mean  
10 that you can just apply and too bad we deny  
11 automatically. That's basically what I hear you  
12 saying.

13 MEMBER ALBERTI: Well, Madam Chair,  
14 that argument goes to your motion which failed,  
15 so can we move on, please?

16 CHAIRPERSON MILLER: Yes, we can move  
17 on. We didn't need to do a motion on -- applying  
18 to the second building either, because that  
19 wasn't at issue.

20 Okay. I think we have covered all the  
21 issues in this letter that are necessary for  
22 legal to respond.



1                   Next is a settlement agreement between  
2   ANC-6D and Hill Country Homestand dated June 8,  
3   2015. Hill Country Homestand is located at 1244  
4   South Capitol Street, S.E., License No. 099123.

5                   I move that we approve this settlement  
6   agreement. Do I have a second?

7                   MEMBER ALBERTI: I second it.

8                   CHAIRPERSON MILLER: Oh, I skipped  
9   one.

10                  MEMBER SHORT: You skipped one.

11                  CHAIRPERSON MILLER: I skipped one,  
12   but let's --

13                  MEMBER SHORT: No. 2.

14                  CHAIRPERSON MILLER: Can we do that  
15   one?

16                  MEMBER RODRIGUEZ: We can do this and  
17   then go back.

18                  CHAIRPERSON MILLER: Can we do No. 3  
19   since I just read it?

20                  MEMBER ALBERTI: Yes.

21                  MEMBER RODRIGUEZ: Yes.

22                  CHAIRPERSON MILLER: It's just --

1 MEMBER RODRIGUEZ: I seconded it,  
2 Madam Chair.

3 CHAIRPERSON MILLER: Okay.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those  
7 opposed? All those abstaining? The motion  
8 passes 6-0-0.

9 Okay. Going back to the one I  
10 skipped, which is No. 2, a settlement agreement  
11 between ANC-6B and &Pizza dated June 9, 2015.  
12 &Pizza is located at 405 8th Street, S.E., License  
13 No. 099123.

14 I move that we approve with  
15 modification to Clause 2, which is located on  
16 page 1 of the settlement agreement, deleting the  
17 words "not without the ANC-6B's agreement." So  
18 it would then read "The applicant currently seeks  
19 and will seek to increase" -- oh, no. And they  
20 will probably have to do and may seek to  
21 increase.

22 Basically, we are saying that the ANC-

1 6B can't prevent them from seeking to increase  
2 their seating. Okay. Is that clear? All right.  
3 So it's approve with modification to Clause 2 as  
4 stated.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those  
8 opposed? All those abstaining? The motion  
9 passes 6-0-0.

10 Okay. No. 4 is a request for  
11 reinstatement of an application dated June 28,  
12 2015 submitted by Tommy Osborne, Assistant  
13 General Manager, on behalf of Stetsons Famous Bar  
14 and Grill located at 1610 U Street, N.W., License  
15 No. 060455.

16 I move that we grant this request for  
17 reinstatement.

18 MEMBER RODRIGUEZ: Second it.

19 CHAIRPERSON MILLER: Okay. It has  
20 been seconded by Mr. Rodriguez. I guess in this  
21 case he was an hour late for Roll Call. He spoke  
22 to the mediator and he had a family emergency

1 that arose that morning. Okay.

2 So the motion to reinstate was  
3 seconded.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those  
7 opposed? All those abstaining? The motion  
8 passes 6-0-0.

9 Next is a request for off-site storage  
10 by Fiola Mare located at 3050 K Street, N.W.,  
11 Suite #101, License No. 091251.

12 I move that we approve. Do I have a  
13 second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr. Silverstein  
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 6-0-0.

22 No. 7 is a request for a Fact-Finding

1 Hearing submitted by MPD Chief Lanier dated July  
2 10, 2015. It's related to Eye Bar/Garden of Eden  
3 located at 1716 I Street, N.W., License No.  
4 083133.

5 I move that we -- well, as I  
6 understand it, our Agency is investigating this  
7 matter, so I move that we address this request  
8 after we read our Agency's report or after we  
9 have just a little bit more time to find out  
10 about our investigation. Does anybody else have  
11 any comment on that?

12 MEMBER SHORT: Well, I thought we said  
13 appropriate information, a little more  
14 information on the matter.

15 CHAIRPERSON MILLER: Whatever. Our  
16 Agency, yes, is gathering information now, so we  
17 want to wait for a little more information.  
18 Okay.

19 MEMBER RODRIGUEZ: Is that a motion,  
20 Mr. Short?

21 CHAIRPERSON MILLER: Yes. So we will  
22 move to consider this Fact-Finding Hearing after

1 we get a little more information from our Agency.

2 Okay.

3 MEMBER SHORT: Second.

4 CHAIRPERSON MILLER: Mr. Short has  
5 seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those  
9 opposed? All those abstaining? The motion  
10 passes 6-0-0.

11 Okay. I thought I skipped one. Yes,  
12 thank you. I knew I had skipped one. I was  
13 wondering. Thank you. Yes, that's our last one  
14 then.

15 Okay. No. 5 a review of letter of  
16 appeal dated July 8, 2015 submitted by  
17 Chairperson Ronald Austin on behalf of ANC-4B and  
18 it is related to Rigg's Liquors located at 5581  
19 South Dakota Avenue, N.E., License No. 060532.

20 Okay. I'm just trying to get this  
21 letter in front of me. I believe that this is a  
22 letter that we were cced on that wasn't

1 necessarily addressed to us. Okay, yes, it was  
2 addressed to the Mayor and Council Member Brandon  
3 Todd in which they are seeking their assistance  
4 or whatever because the Board denied their  
5 protestants' request for reinstatement.

6 And so they were dismissed from -- the  
7 ANC was dismissed from being a party in this  
8 protest for failure to attend a Roll Call  
9 Hearing. And the reason they had provided was  
10 that they had not received notice.

11 So this isn't necessarily properly  
12 before us. However, I would say that I noticed  
13 in this letter that they, the commissioners, said  
14 they both swear and affirm that they never  
15 received any such notice.

16 And I think they may have told us that  
17 they didn't receive notice. Perhaps it was hard  
18 to prove, but I don't recall them saying they  
19 would swear and affirm, and so to me that might  
20 make a difference to me with reconsidering, but a  
21 proper reconsideration is not even before us.

22 So I would say, at this point, it's

1 just an FYI, but if anybody else wants to  
2 comment, feel free to. Okay.

3 Now, I think that completes our  
4 agendas for July 15, 2015.

5 And we can just take our votes on  
6 deliberating in closed session next week.

7 As Chairperson of the Alcoholic  
8 Beverage Control Board for the District of  
9 Columbia and in accordance with DC Official Code  
10 Section 2-574(b) of the Open Meetings Act, I move  
11 that the ABC Board hold a closed meeting on July  
12 22, 2015 for the purpose of seeking legal advice  
13 from our counsel on the matters identified on the  
14 Board's Agenda for July 22, 2015 as published in  
15 the DC Register on July 17, 2015.

16 Is there a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr. Silverstein  
19 seconded the motion. I'll now take a roll call  
20 vote on the motion before us now that it has been  
21 seconded.

22 Mr. Brooks?



1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Mr. Rodriguez?

5 MEMBER RODRIGUEZ: Agreed.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees.

8 Mr. Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON MILLER: Mr. Short?

11 MEMBER SHORT: I agree.

12 CHAIRPERSON MILLER: And the vote is

13 then 6-0-0.

14 I hereby give notice that the ABC  
15 Board will hold this aforementioned closed  
16 meeting pursuant to the Open Meetings Amendment  
17 Act of 2010. Notice will also be posted on the  
18 ABC Board hearing room bulletin board, placed on  
19 the electronic calendar on ABRA's website and  
20 published in the DC Register in as timely a  
21 manner as practicable.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of  
2 Columbia and in accordance with DC Official Code  
3 Section 2-574(b), closed meetings, and Section 2-  
4 574, notice of meetings, of the Open Meetings  
5 Act, I move that the ABC Board hold a closed  
6 meeting on July 22, 2015 for the purpose of  
7 discussing and hearing reports concerning ongoing  
8 or planned investigations of alleged criminal or  
9 civil misconduct or violations of law or  
10 regulations and seeking legal advice from our  
11 counsel on the Board's Investigative Agenda for  
12 July 22, 2015 as published in the DC Register on  
13 July 17, 2015.

14 Is there a second?

15 MEMBER SILVERSTEIN: Second.

16 CHAIRPERSON MILLER: Mr. Silverstein  
17 seconded the motion. I'll now take a roll call  
18 vote on the motion before us now that it has been  
19 seconded.

20 Mr. Brooks?

21 MEMBER BROOKS: I agree.

22 CHAIRPERSON MILLER: Mr. Alberti?

1 MEMBER ALBERTI: I agree.

2 CHAIRPERSON MILLER: Mr. Rodriguez?

3 MEMBER RODRIGUEZ: Agreed.

4 CHAIRPERSON MILLER: Ms. Miller

5 agrees.

6 Mr. Silverstein?

7 MEMBER SILVERSTEIN: I agree.

8 CHAIRPERSON MILLER: Mr. Short?

9 MEMBER SHORT: I agree.

10 CHAIRPERSON MILLER: It appears that  
11 the motion has passed by a 6-0-0 vote.

12 I hereby give notice that the ABC  
13 Board will hold this aforementioned closed  
14 meeting pursuant to the Open Meetings Amendment  
15 Act of 2010. Notice will also be posted on the  
16 ABC Board hearing room bulletin board, placed on  
17 the electronic calendar on ABRA's website and  
18 published in the DC Register in as timely a  
19 manner as practicable.

20 And this concludes the business for  
21 today, July 15, 2015, and the Board is so  
22 adjourned. Thank you. Okay.

1 (Whereupon, the A.B.R.A. Agenda in the  
2 above-entitled matter was concluded at 4:00 p.m.)  
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